

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

SCOTT BREIMEISTER,

Defendant.

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Criminal No. 18-CR-368

ORDER

The Court has considered the United States' Unopposed Motion for Scheduling Order. The Court hereby sets this matter for a status conference on October __, 2025, at _____. Additionally, the Court holds that time from May 22, 2025, through October __, 2025, constitutes excludable delay under 18 U.S.C. § 3161(h). The Court finds that, pursuant to 18 U.S.C. § 3161(h)(1)(C), because Breimeister has stated his intent to file a petition for certiorari from the ruling of the Fifth Circuit to the Supreme Court, time is automatically excludable. Additionally, pursuant to 18 U.S.C. § 3161(h)(7), in light of Breimeister's anticipated petition for certiorari, the ends of justice served by setting the matter for status outweigh the interest of the public and defendant in a speedy trial.

Thus, the period of delay resulting from setting this matter for status, from May 22, 2025, through and including October __, 2025, shall be deemed excludable time pursuant to 18 U.S.C. §§ 3161(h)(1)(C), (h)(7)(A), (B)(i), and (B)(iv), because the delay results from a continuance granted by the Court at the United States' request, on the basis of the Court's finding that: (1) the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial; (2) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (3) failure to grant the continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation. The motion is therefore GRANTED.

It is ORDERED that a period of excusable delay shall consist of the period starting on May 22, 2025, through and including October __, 2025.

It is so ORDERED.

Date: _____

The Hon. Alfred H. Bennett
United States District Judge